FARAD CONSTITUTION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

MISC. CIVIL APPLICATION NO. 284/2005

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM:- **V.C. DAGA &**
A.B. CHAUDHARI, JJ.
DATED :- 08.11.2006

None for the applicant/petitioner. Even on the last date of hearing i.e. 26.4.2005, nobody was present on behalf of applicant/petitioner.

In that view of the matter, the review application is liable to be dismissed in default. However, we do not propose to dismiss it. Dismissal of petition in default, especially in such types of cases do not serve interest of justice rather it operates as strain on the registry as well as Court as it results in moving an application for restoration, which has become a normal practice in the Bar. In the event of such application, the cases are liberally restored by the Courts. Once the case is restored again it goes

through the gamut of adjournments and at times dismissal for want of prosecution. Sometime considering adverse view of the Court, members of the Bar in some cases deliberately remain absent and allow the case to be dismissed in default. In order to arrest this growing tendency in the Bar, we do not propose to dismiss this case in default.

In order to avoid dismissal of this case for want of prosecution for the reasons recorded, we ourselves went through the petition, impugned order of which review is sought.

Having seen the pleadings, contentions and considering the order in the light of the challenges set up in the review petition, we do not find any reason to review the order of which review is sought. No case is made out to entertain this review application. The application is, therefore, dismissed in limini with no order as to costs.

JUDGE **JUDGE**

ssw